

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Egide N.,

Case No. 19-cv-3144 (JRT/DTS)

Petitioner,

v.

REPORT AND RECOMMENDATION

William P. Barr,
Attorney General, et al.,

Respondents.

Egide N., A212-057-178, Freeborn County Detention Center, 411 South Broadway Avenue, Albert Lea, Minnesota 56007, *Pro Se* Petitioner

Ana H. Voss, Ann M. Bildtsen, and Gregory Brooker, Assistant U.S. Attorneys, United States Attorney's Office, 300 South Fourth Street, Suite 600, Minneapolis, Minnesota 55415, for Respondents

Egide N. is a native of the Democratic Republic of the Congo (DRC) and a citizen of Burundi. Kresser Decl. ¶ 4, Docket No. 6. On December 20, 2019 he filed a Petition for a Writ of Habeas Corpus challenging his continued detention pending his appeal to the Board of Immigration Appeals (BIA) of an Immigration Judge's (IJ) August 16, 2019 order that he be removed to either the DRC or Burundi. Petition, Docket No. 1; Kresser Decl. ¶ 12 and Ex. 9 (IJ Decision), Docket Nos. 6, 6-1 at 76-93.

The Government filed a response on March 26, 2020 attaching a copy of the BIA's January 22, 2020 decision dismissing Egide N.'s appeal because he had withdrawn the appeal. Response, Docket No. 5; Kresser Decl. ¶ 13 and Ex. 10 (BIA Decision), Docket Nos. 6, 6-1 at 94-97. The removal order thus is administratively final as of the January 22, 2020 BIA decision. On January 29, 2020 the Government

requested a travel document from Burundi for Egide N.'s removal; the request is still pending. Kresser Decl. ¶ 15, Docket No. 6. Removals to Burundi are regular and ongoing. *Id.* ¶ 17.

Egide N. is now in the 90-day post-removal-order period during which his detention is mandatory under 8 U.S.C. § 1231. That statute provides that the Government “shall remove” the detainee “within a period of 90 days” and “shall detain” him during this 90-day removal period. 8 U.S.C. § 1231(a)(1)(A) and (a)(2). Accordingly, his habeas petition should be dismissed as moot.

RECOMMENDATION

For the reasons set forth above, the Court RECOMMENDS that Egide N.'s Petition for a Writ of Habeas Corpus [Docket No. 1] be DENIED AS MOOT and this action be DISMISSED WITHOUT PREJUDICE.

Date: March 27, 2020

s/ David T. Schultz
DAVID T. SCHULTZ
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set for in LR 72.2(c).